

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

IN THE MATTER OF

**THE TENNESSEE REGULATORY
AUTHORITY PETITION FOR ADDITIONAL
DELEGATED AUTHORITY TO IMPLEMENT
NUMBERING CONSERVATION MEASURES**

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CC DOCKET NO. _____

**PETITION OF THE TENNESSEE REGULATORY AUTHORITY
FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT NUMBERING
CONSERVATION MEASURES**

The Tennessee Regulatory Authority ("TRA") hereby submits to the Federal Communications Commission ("FCC") its petition for additional delegated authority to implement number conservation measures. The TRA requests authority to implement various measures which would result in a more efficient use of telephone numbers, thereby slowing the pace of area code relief, without having anti-competitive consequences or favoring one segment of the industry over another. Such measures would also protect Tennessee consumers from the disruption of service as well as diminish the economic and social costs of changes associated with the implementation of new area codes.

Specifically, the TRA respectfully requests that the FCC delegate authority to the TRA to:

1. Enforce current numbering allocation standards and establish and enforce new standards.
2. Maximize the efficiency of number use practices within NXX codes by setting fill rates and by requiring utilization surveys.

3. Reclaim unused and reserved NXX codes and portions of those codes.
4. Order number utilization and forecasting reporting, and audit such reporting.
5. Implement mandatory thousands-block number pooling.

I. BACKGROUND

Tennessee, like many other states, is experiencing a dramatic growth in the demand on its telephone numbering resources. This increased demand has resulted in Tennessee adding three (3) new area codes since 1996, as almost a yearly occurrence. The 423 area code was added in East Tennessee during 1996, while the Middle Tennessee 931 area code was added in 1997. Tennessee is now in the process of implementing the 865 area code to relieve the 423 area code in East Tennessee. Permissive dialing for the 865 area code began on November 1, 1999 with mandatory dialing set to begin April 24, 2000.

More recently, Lockheed Martin, the North American Numbering Plan Administrator (“NANPA”), notified the TRA on June 14, 1999, that Tennessee’s 615 area code is likely to exhaust during the fourth quarter of 2000. In an attempt to prepare for this likelihood, the TRA has been studying and conducting open meetings for public comment on the two options available to the TRA: a geographic split or an overlay. Under either option, the maximum relief for the 615 area code is approximately five (5) years, after which additional action will be required. Further, the May 1999 Central Office Code Utilization Survey (“COCUS”) report shows that Tennessee’s 901 West Tennessee area code and the 931 Middle Tennessee area code will likely exhaust during the third quarter of 2002 and the first quarter of 2007, respectively.

In each of the three previous numbering shortages, the TRA selected, after receiving public comment, a split strategy for relief. In the current 615 area code shortage, the TRA is still in the investigation phase of considering different area code relief strategies. Public comments

received concerning this issue run consistently against adding new area codes. The current methods available to the TRA for dealing with numbering resources are not effective. Consumer dissatisfaction regarding the lack of action on numbering conservation is increasing to the point that it could erode the public's support for the increase of competition in the telecommunications sector. Decisive action by regulatory authorities is required to assure the public that all is being done at both the federal and state level to address this ever constant problem.

II. JURISDICTION

The federal Telecommunications Act of 1996 ("Act") grants the Federal Communications Commission ("FCC") exclusive jurisdiction over the North American Numbering Plan in the United States.¹ The FCC, however, has delegated specific authority to certain states to implement area code relief in the form voluntary thousands-block number pooling trials and central office code ("NXX ") rationing in certain causes.² Recently, the FCC has granted additional authority to several states, including Florida, New York and California, to implement numbering conservation measures. These grants of additional authority provide states with new tools to address the depletion of telephone numbering resources. The TRA desires to act in cooperation with the FCC in addressing the issues arising from numbering conservation and rationing and concludes that, in the short-term, the states may be in the best position to act quickly in implementing numbering conservation strategies. The TRA affirms that, in being granted additional authority, it will comply with any guidelines or national rules established by

¹ 47 U.S.C. § 251(e)(1)

² Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area codes 412, 610, 215, and 717, *Memorandum Opinion and Order and Order on Reconsideration*, CC Docket No. 96-98, 13 FCC Rcd 19009, 19025, ¶¶ 23-31 (1998) (*Pennsylvania Numbering Order*).

the FCC and will act in close consultation with the telecommunications industry.

III. TRA'S CURRENT EFFORTS TO PROVIDE AREA CODE RELIEF

At the present time, state authority to deal with this significant issue is limited. The TRA has, nevertheless, taken the initiative in establishing an Area Code Task Force made up of representatives from both the wireline and wireless industries, along with representatives from the TRA.³ This Task Force is charged with exploring the current utilization of Tennessee's numbering resources and making recommendations to the TRA on strategies that will better conserve Tennessee's existing area codes. In addition, this Task Force will provide information on how efficiently telephone numbers are being utilized in Tennessee.

The TRA has taken other action to further area code conservation measures in Tennessee. On October 15, 1999, the TRA issued a request to all affected telecommunications service providers to consider taking voluntary measures toward area code conservation.⁴ The TRA asked providers and cooperatives to review their inventories and voluntarily return non-utilized or otherwise dormant NXX codes to the NANP.

Notwithstanding the foregoing actions, the TRA needs additional tools to address Tennessee's numbering resource problems at this point in time when number conservation efforts can have a dramatic impact. While it may be too late to significantly alter the life expectancy of the 615 area code, quick action could prolong the life expectancy of the 901, 423, 865 and the 931 area codes.

³ The TRA commissioned the Tennessee Telecommunications Association to form the Area Code Task Force on February 2, 1999, for the purpose of researching and exploring options and measures that may be taken for numbering resource conservation. To date the TRA has not received a report from the Task Force.

⁴ A copy of the TRA's *Request To All Affected Telecommunications Service Providers And Cooperatives In Tennessee To Take Voluntary Area Code Conservation Measures* is provided as Attachment A.

The TRA will evaluate all numbering conservation measures authorized by the FCC in light of their impact on competition in Tennessee and will take caution to implement only those numbering conservation measures that will have competitively neutral effects. In addition, the TRA, in exercising its delegated authority, will ensure that: (1) numbers are made available on an equitable basis; (2) numbering resources are made available on an efficient and timely basis; (3) whatever policies the TRA institutes with regard to numbering administration will not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and (4) the TRA will not unduly favor one telecommunications technology over another.⁵

IV. AUTHORITY REQUESTED

The TRA requests that the FCC grant it authority to implement all or a portion of the variety of number conservation measures enumerated below. The TRA believes that these measures can conserve numbers without producing anti-competitive consequences and without favoring one type of provider or technology over another. Much of the additional authority sought by the TRA involves strict enforcement of existing industry guidelines. The TRA is involved in the efforts to develop national number conservation guidelines and is mindful of the fact that as national guidelines are developed Tennessee measures may require modifications.

The number conservation methods which the TRA requests authority to implement are detailed as follows:

⁵ These guidelines are in accordance with the FCC's stated guidelines for relief as articulated in *In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247, ¶ 7 (1999).

A. Authority to enforce current numbering allocation standards and to establish and enforce new standards

The code administrator, Lockheed Martin, has limited authority to enforce standards for the allocation of NXXs. The TRA requests authority to enforce the existing standards such as requiring a requesting company to be certified to provide service in the area before assignment of NXXs. Further, the TRA could require that a forecasted need for a new NXX be demonstrated in a months-to-exhaust report. The TRA also seeks authority to establish and enforce additional standards, such as requiring that a requesting company meet a fill rate before a growth NXX can be granted. Likewise a requesting company could be required to demonstrate readiness to provide service before an initial NXX would be granted. With this additional authority the TRA could mandate that initial and growth NXXs be returned to the code or pooling administrator if such standards are not met.

B. Authority to maximize the efficiency of number use practices within NXX codes

The TRA requests the authority to order that sequential numbers be used within an NXX or thousand-block. Such authority would help to preserve blocks of numbers for eventual pooling, whether under a Tennessee pooling plan or a national pooling plan.

C. Authority to order number utilization and forecast reporting, and to audit such reporting

The TRA requests authority to require number utilization and forecast reporting by all providers so that the TRA can monitor usage and enforce numbering standards.⁶ Such reporting would permit the TRA to have an accurate analysis of the need projections and would create a database for use in developing and evaluating needs-based number assignment standards. At the

⁶ The TRA already has broad authority under state law (Tenn. Code Ann. § 65-4-104) to request information from public utilities. The requested delegated authority would enhance that authority.

present time, requesting companies are not required to provide number utilization data with their applications for additional central office codes. The TRA seeks authority to require a requesting company to submit a utilization survey in connection with its request for additional numbering resources. This data would also help the TRA determine whether providers are using existing numbering resources efficiently before additional resources are assigned. The TRA also requests the authority to audit or oversee the audit of forecast reports to monitor compliance with number assignment and utilization requirements.

D. Authority to reclaim unused and reserved NXX codes and portions of those codes

At a minimum a requesting company should be required to maximize the use of an NXX before another NXX is assigned. The TRA requests authority to require that in order for a company to retain a newly obtained NXX, it must not only be “activated” within six months, but also a certain percentage of numbers must actually have been assigned to end users within that period of time. The TRA desires authority to require carriers to return NXX codes and thousand-blocks if not needed or used within a specified period after assignment. Further, the TRA seeks authority to investigate and order the return of reserved and protected NXX codes if such becomes necessary and can be done without causing disruption to network operations.

E. Authority to implement mandatory thousands-block number pooling

In granting relief to the states the FCC has authorized the use of voluntary pooling trials, and has specifically authorized states to institute thousands-block pooling trials. The TRA seeks the authority to implement non-discriminatory mandatory thousands-block number pooling. The TRA views thousands-block number pooling as a desirable tool to achieve long-term number conservation. The TRA intends to work with the industry Task Force to implement pooling as quickly as possible. Through working with the industry the TRA will begin the development of

a number pooling plan in Tennessee. The FCC has recognized "that state number pooling trails could aid in developing national pooling implementation, architecture, and administrative standards."⁷

V. CONCLUSION

The currently existing mechanisms available to the states for addressing numbering allocation problems are proving to be inadequate. The TRA respectfully requests that the FCC grant this Petition for Additional Delegated Authority to permit it to implement number conservation measures to ensure more efficient number resource utilization and curtail the ordeal and expense of repeated area code relief measures.

Respectfully submitted,


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DATED: November 16, 1999

⁷ *In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247, ¶ 10 (1999).

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 15, 1999

IN RE:

**AREA CODE CONSERVATION
MEASURES IN TENNESSEE**

DOCKET NO. 99-00784

**REQUEST TO ALL AFFECTED TELECOMMUNICATIONS SERVICE PROVIDERS
AND COOPERATIVES IN TENNESSEE TO TAKE VOLUNTARY AREA CODE
CONSERVATION MEASURES**

On October 12, 1999, the Tennessee Regulatory Authority ("TRA" or "Authority") unanimously resolved to petition the Federal Communications Commission ("FCC") for authority to implement number conservation measures, including, but not limited to, 1000 block pooling and reclamation.¹ In conjunction with this action, the Authority urged all affected and relevant Tennessee telecommunications service providers, including cooperatives, to consider taking voluntary measures towards area code conservation, including, but not limited to, voluntarily relinquishing any non-utilized or otherwise dormant inventory of NXX codes.

On February 2, 1999, the Authority commissioned the Tennessee Telecommunications Association to form an Area Code Conservation Task Force to research and explore options and

¹ The FCC has been delegated authority by Congress to oversee the North American Numbering System. While the FCC has delegated to the states the authority to select relief plans, it continues to maintain jurisdiction over number conservation measures.

ATTACHMENT

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measures that may be taken for numbering resource conservation.² The Task Force is to report its findings, conclusions, and recommendations to the Authority as soon as is practicable. A report should be issued by the end of the year.

On June 14, 1999, the North American Numbering Plan Administrator (NANPA), Lockheed Martin IMS, notified the Authority that the 615 Numbering Plan Area ("NPA") would exhaust during the fourth quarter of the year 2000. Soon thereafter, NANPA, the Telecommunications industry, and the Authority began discussing various relief alternatives. Additionally, the Authority undertook, and continues to implement, certain educational and informational measures to alert and inform the public.

Recently, MCIWorldCom, Inc. ("MCIWorldCom") announced in a September 28, 1999, letter to the FCC that it was in the process of returning 77 NXX codes – or 770,000 telephone numbers – to NANPA.³ In its announcement, MCIWorldCom urged "all service providers, including CLECs, ILECs, and providers of wireless services, to act prudently" and not maintain an inventory larger than required to meet the needs of customers.

Consistent with the Authority's continuing efforts in identifying and promoting conservation strategies, the Authority hereby urges all affected and relevant Tennessee telecommunications service providers and cooperatives to review their inventories, consider the widespread area code relief activity now under way, and voluntarily return non-utilized or otherwise dormant NXX codes to NANPA.

² The Task Force is composed of both wireline and wireless carriers and Authority Staff. Further, the National Regulatory Research Institute is assisting the Task Force with a number utilization study.

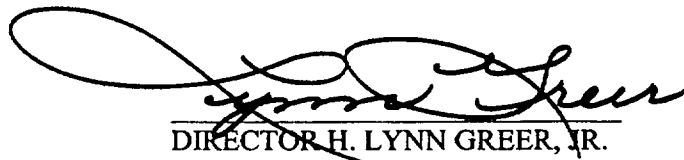
³ Bell Atlantic has also been active in pursuing certain conservation measures.

IT IS THEREFORE REQUESTED THAT:

1. All affected telecommunications service providers and cooperatives in Tennessee consider taking voluntary measures towards area code conversation, including, but not limited to, voluntarily relinquishing any non-utilized NXX codes.
2. Any provider who voluntarily undertakes such measures notify the Authority of the same.


CHAIRMAN MELVIN J. MALONE


DIRECTOR SARA KYLE


DIRECTOR H. LYNN GREER, JR.

ATTEST:


Executive Secretary